



IFW

Attorney Docket No. P71323US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Hazuki NAGAI et al.

Application No. 10/581,366

Filed: June 2, 2006

For: METHOD FOR MANUFACTURING OPTICALLY ACTIVE
TETRAHYDROTHIOPHENE DERIVATIVE AND METHOD FOR CRYSTALLIZATION
OF OPTICALLY ACTIVE TETRAHYDROTHIOPHENE-3-OL

**REQUEST TO WITHDRAWAL INCORRECT NOTICE REGARDING CHANGE OF
POWER OF ATTORNEY**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants undersigned attorneys of record received the PTO notice mailed February 8, 2007

(copy attached) which mistakenly maintains:

The Power of Attorney to you in this application has been revoked by the assignee
who has intervened as provided by 37 CFR 3.71.

The notice is incorrect because no assignee of the instant application has revoked any Power of Attorney to the undersigned attorneys of record. As explained below, the papers on which the PTO relied (in revoking the Power of Attorney and issuing the notice) are directed to a different patent application and were inadvertently filed in the present application.

Attached, hereto, are copies of the inventorship declaration, assignment, General Power of Attorney (by the assignee named in the assignment) and the Transmittal letter accompanying the

General Power of Attorney filed (mistakenly) in the subject application. The mistake is readily apparent since:

- both the inventorship declaration and assignment named "Armin STELLWAGEN" as the sole inventor; whereas, the subject application names "Hazuki Nagai, Kaname Konuki, Shoji Ito, and Tomohiro Sameshima" as co-inventors.
- the inventorship declaration identifies the application number (under ¶371) "PCT/DE2004/002705 filed December 8, 2004"; whereas, the subject application is a ¶371 of PCT/JP2004/017837 filed December 1, 2004, as indicated in the application filing papers.
- both the inventorship declaration and assignment identify "Hydraulic Controller Arrangement" as the title of invention; whereas, the title of the instant application, as filed, is "Method for Manufacturing Optically Active Tetrahydrothiophene Derivative and Method for Crystallization of Optically Active Tetrahydrothiophene-3-OL."
- the assignment identifies "June 13, 2006" as the date the application papers were filed in the PTO; whereas, the instant application papers were filed (under §371) in the PTO on "June 2, 2006."

Applicants' undersigned attorneys understand that the attorneys who inadvertently filed the papers in the subject application have since filed a petition in the PTO to correct the inadvertent error. The undersigned believe that the petition explains why and how the papers were mistakenly filed in the subject application. The application in which the papers should have been filed has a

serial number—10/581,336—differing by only a single digit from the subject application serial number— 10/581,366.

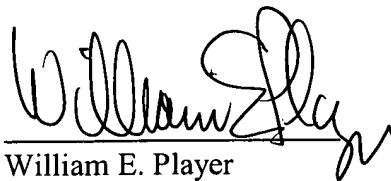
In view of the foregoing, it is requested that the PTO issue a new notice that withdraws the notice mailed February 8, 2007 and, further, confirms the undersigned as attorneys of record in the subject application.

The notification of missing requirements, mailed February 12, 2007, was mistakenly addressed to, and received by, the attorneys who mistakenly filed the aforesaid papers. In that the revocation of power of attorney and the corresponding notice (mailed February 8, 2007) were mistaken, as explained/shown above, withdrawal of the notification and mailing of a new notification of missing requirements, which resets the time period for a response, addressed and sent to the undersigned attorneys is in order.

Favorable action is requested.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By 
William E. Player
Reg. No. 31,409

400 Seventh Street, N.W.
Washington, DC 20004
Tel. (202) 638-6666
Fax (202) 393-5350
Date: March 6, 2007
WEP/jhr

R:\Home\WPLAYE\wep&secretary\2007\March\P71323US0 Req. to Withdraw Incorrect Notice.wpd

Docket No.: 128174

COPY



DECLARATION UNDER 35 USC §371(c)(4) FOR PCT APPLICATION FOR UNITED STATES PATENT

I, the undersigned inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name;

I verily believe I am the original, first and sole inventor (If only one name is listed below) or an original, first and joint inventor (If plural names are listed below) of the subject matter which is claimed and for which a patent is sought, namely the invention entitled: Hydraulic Controller Arrangement

described and claimed in international application number PCT/DE2004/0002705 filed December 8, 2004.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

Under Title 35, U.S. Code §119, the priority benefits of the following U.S. and/or foreign application(s) filed by me or my legal representatives or assigns within one year prior to my international application are hereby claimed:

German Patent Application No. 103 57 471.9 filed December 9, 2003

The following application(s) for patent or inventor's certificate on this invention were filed in countries foreign to the United States of America either (a) more than one year prior to my international application, or (b) before the filing date of the above-named foreign priority application(s):

ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NUMBER 25944, TELEPHONE (703) 836-6400.

I hereby declare that I have reviewed and understand the contents of this Declaration, and that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1	Typewritten Full Name of Sole or First Inventor:	<table border="0"> <tr> <td colspan="2">Amin</td> <td colspan="2">STELLWAQEN</td> </tr> <tr> <td>Given Name</td> <td>Middle Initial</td> <td colspan="2">Family Name</td> </tr> </table>			Amin		STELLWAQEN		Given Name	Middle Initial	Family Name	
Amin		STELLWAQEN										
Given Name	Middle Initial	Family Name										
2	Inventor's Signature:	<table border="0"> <tr> <td><input checked="" type="checkbox"/></td> <td><u>Amin</u></td> <td><u>Stellwaqen</u></td> </tr> </table>			<input checked="" type="checkbox"/>	<u>Amin</u>	<u>Stellwaqen</u>					
<input checked="" type="checkbox"/>	<u>Amin</u>	<u>Stellwaqen</u>										
3	Date of Signature:	<table border="0"> <tr> <td><input checked="" type="checkbox"/></td> <td><u>05</u></td> <td><u>31</u></td> <td><u>2006</u></td> </tr> <tr> <td></td> <td>Month</td> <td>Day</td> <td>Year</td> </tr> </table>			<input checked="" type="checkbox"/>	<u>05</u>	<u>31</u>	<u>2006</u>		Month	Day	Year
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	Month	Day	Year									
	Residence:	<table border="0"> <tr> <td><u>Lehr</u></td> <td><u>GERMANY</u></td> </tr> <tr> <td>City</td> <td>Country</td> </tr> </table>			<u>Lehr</u>	<u>GERMANY</u>	City	Country				
<u>Lehr</u>	<u>GERMANY</u>											
City	Country											
	Citizenship:	<u>German</u>										
	Post Office Address:	<u>Am Buchwingert 15</u>										
	(Insert complete mailing address, including country)	<u>97816 Lehr, GERMANY</u>										

Note to Inventor: Please sign name on line 2 exactly as it appears in line 1 and insert the actual date of signing on line 3.

IF THERE IS MORE THAN ONE INVENTOR USE PAGE 2 AND PLACE AN "X" HERE ☐
(Discard this page in a sole inventor application)

COPY

ASSIGNMENT

(1-8) Insert Name(s) of Inventor(s)

(1) Armin STELLWAGEN (5) _____
 (2) _____ (6) _____
 (3) _____ (7) _____
 (4) _____ (8) _____

In consideration of the sum of one dollar (\$1.00) and other good and valuable consideration paid to each of the undersigned, each undersigned agrees to assign, and hereby does assign, transfer and set over to

(9) Insert Name of Assignee
 (10) Insert Address of Assignee

(9) BOSCH REKROTH AG
 (10) Heidehofstrasse 31, 70184 Stuttgart, GERMANY

(hereinafter designated as the Assignee) and Assignee's heirs, successors, assigns and legal representatives, the entire right, title and interest for the United States of America as defined in 35 U.S.C. §100, in the invention, and in all applications for patent including any and all provisional, non-provisional, divisional, continuation, international, continuation, subsequence and renewal applications(s), and all Letters Patent, extensions, renewals and reexamination certificates that may be granted on the invention known as

(11) Insert Identification such as Title, Case Number, or Foreign Application Number

(11) Hydraulic Controller Arrangement

(Attorney Docket No. 128174)

for which the undersigned has (have) executed an application for patent in the United States of America on even date herewith or

(12) Insert Date of Signing of Application

(12) on _____

(13) Alternative Identification for filed applications

(13) U.S. application Serial Number _____
 filed June 13, 2006

1) Each undersigned agrees to execute all papers necessary in connection with any application and any continuing, divisional or renewal applications for the invention, and any patent(s) issuing thereon, and also to execute separate assignments in connection with such applications and patents as the Assignee may deem necessary...

2) Each undersigned agrees to execute all papers necessary in connection with any interference which may be declared concerning any application or continuation or division thereof, or any patent or various application based thereon, for the invention, and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

3) Each undersigned agrees to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreement.

4) Each undersigned agrees to perform all affirmative acts which may be necessary to obtain, maintain or confirm by renewal or reexamination a grant of a valid United States patent in the Assignee.

5) Each undersigned authorizes and requests the Commissioner of the U.S. Patent and Trademark Office to issue any and all Letters Patent of the United States resulting from said application(s) to the said Assignee, as Assignee of the entire interest, and covenants that he has full right to convey the entire interest herein assigned, and that he has not executed, and will not execute, any agreements in conflict herewith, and agrees that this assignment is binding on him and his heirs, successors, assigns and legal representatives.

6) Each undersigned hereby grants the firm of OLIFF & BERRIDGE, PLC the power to insert on this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recording of this document.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date	<u>2006.05.31</u>	Inventor Signature	<u>Armin Stellwagen</u>	(SEAL)
Date	_____	Inventor Signature	_____	(SEAL)
Date	_____	Inventor Signature	_____	(SEAL)
Date	_____	Inventor Signature	_____	(SEAL)
Date	_____	Inventor Signature	_____	(SEAL)
Date	_____	Inventor Signature	_____	(SEAL)
Date	_____	Inventor Signature	_____	(SEAL)
Date	_____	Inventor Signature	_____	(SEAL)

This assignment should preferably be signed before: (a) a Notary Public if within the U.S.A. (b) a U.S. Consul if outside the U.S.A. If neither, then it should be signed before at least two witnesses who also sign here:

Date	<u>2006.05.31</u>	Witness	<u>David M. Hinkle</u>
Date	<u>2006.05.31</u>	Witness	<u>A. Hinkle</u>

BEST AVAILABLE COPY

SIC TO/W
11721140

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY**GENERAL POWER OF ATTORNEY**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Owner Name: BOSCH REXROTH AG

hereby appoints the patent practitioners associated with Oliff & Berridge, PLC Customer No. 25944 as attorneys of record to prosecute any and all patents and patent applications in which this General Power of Attorney is filed, and all continuations and divisions thereof, owned in whole or in part by the above-named owner, and to transact all business in the Patent and Trademark Office.

The undersigned is authorized to execute this document as or on behalf of the owner.

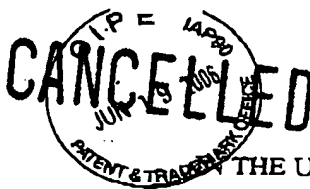
ALL CORRESPONDENCE SHOULD BE SENT TO OLIFF & BERRIDGE, PLC,
CUSTOMER NO. 25944, TELEPHONE (703) 836-6408.

7. November 2005
Date

[Signature]
Signature

Typed Name: Andreas Thurer / Georg Nickel

Title: _____
(if acting on behalf of an Owner)

PATENT APPLICATION

IFW

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Armin STELLWAGEN

Application No.: 10/581,366

Filed: June 13, 2006

Docket No.: 128174

For: HYDRAULIC CONTROLLER ARRANGEMENT

COPY**TRANSMITTAL OF POWER OF ATTORNEY AND
STATEMENT UNDER 37 CFR § 3.73(b)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Power of Attorney from the Assignee.

In compliance with 37 CFR §3.73(b), the undersigned hereby states that BOSCH REXROTH AG is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventor of the patent application identified above. A copy of the assignment is attached hereto and is concurrently being submitted for recordation.

The undersigned is authorized to act on behalf of the assignee.

In accordance with 37 CFR §1.36(a), submission of this Power of Attorney revokes any powers of attorney previously given.

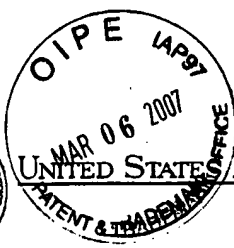
**ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD
BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NO. 25944, TELEPHONE
(703) 836-6400.**

Respectfully submitted,


James A. Oliff
Registration No. 27,075Randi B. Isaacs
Registration No. 56,046

JAO:RBI/nxy

Date: June 16, 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/581,366	06/02/2006	Hazuki Nagai	P71323US0

136
 JACOBSON HOLMAN PLLC
 400 SEVENTH STREET N.W.
 SUITE 600
 WASHINGTON, DC 20004

COPY**CONFIRMATION NO. 3671**

OC000000022412907

Date Mailed: 02/08/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 06/19/2006.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

ANITA D JOHNSON
 PCT (703) 308-9140 EXT 226

FORMER ATTORNEY/AGENT COPY